

Writer's contact information; Jonas M. Seider, Esq. 908-964-2424 jseider@olenderfeldman.com RESPOND TO NEW JERSEY

June 24, 2008

VIA FACSIMILE (212) 805-7941

Hon. Loretta A. Preska, US D.J. United States District Court Southern District of New York United States Courthouse 500 Pearl Street, Room 1320 New York, New York 10007 USDC SDNY
DOCUMENT
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Re:

Tattoo Johnny, Inc. v. Christian Audigier, Inc., et al.

Docket No.: 1:08-cv-5572

Your Honor:

This firm represents Tattoo Johnny, Inc. ("Tattoo Johnny") in connection with the above-referenced matter. On June 23, 2008, Mark D. Miller, Esq. and myself, as counsel for Tattoo Johnny, and James Turken, Esq., and Brian Siff, Esq., as counsel for some of the Defendants in the above-referenced matter namely, Christian Audigier, Inc., Shop on Stage, Inc., Christian Audigier, and Ty Bowers (collectively, "Named Defendants") appeared before you for a conference to determine the scheduling for a hearing on an Order to Show Cause filed by Tattoo Johnny. As the Court requested during the conference, counsel for Tattoo Johnny and the Named Defendants spoke earlier today to determine a schedule for opposition, reply and discovery suitable for both sides.

The parties have agreed to the following:

- (1) All documents defined below as "Expedited Discovery", shall be served on the receiving party no later than July 7, 2008;
- (2) The deposition of a designated Tattoo Johnny representative shall take place during the week of July 14-18, 2008;
- (3) Any and all of the Named Defendants' Oppositions to Tattoo Johnny's Motion for Preliminary Injunction shall be served and filed so that they are received no later than July 21, 2008;

2840 Morris Avenue Union, New Jersey 07083 908-964-2485 908-810-6631 (facsimile) 29 West 38th Street - 17th Floor New York, New York 10018 212-764-8905 (facsimile) June 24, 2008 Page 2

- (4) Tattoo Johnny's Reply to any and all of the Named Defendants' Oppositions shall be served and filed so that they are received no later than August 4. 2008; and
- (5) The parties have agreed that the hearing date for the Order to Show Cause be on August 11, 2008 at time designated by the Court. August 18, 2008 at 9,00 a.m.

If these dates are not satisfactory to Your Honor, I am sure all parties will be flexible to change to avoid any potential scheduling conflicts.

For purposes of Tattoo Johnny's Order to Show Cause, "Expedited Discovery" shall include the following:

- (1) Tattoo Johnny shall serve on counsel for Named Defendants copies of any and all documents relating to the creation and title of the designs in issue in this litigation;
- (2) Named Defendants shall serve on counsel for Tattoo Johnny copies of any and all documents relating to the creation and title of the designs printed on the merchandise in issue in this litigation;
- (3) Named Defendants shall serve counsel for Tattoo Johnny with a detailed list of the identity of all persons or entities who have acted as manufacturer, distributor, and/or retailer for Named Defendants' merchandise containing the designs in issue in this litigation;
- (4) Named Defendants shall serve on counsel for Tattoo Johnny with any and all documents and information relating to any of Named Defendants' merchandise containing the designs in issue in this litigation, including but not limited to, style names, colors, and SKU numbers; and
- (5) Named Defendants shall serve counsel for Tattoo Johnny with any and all internal documents relating to the development of Named Defendants' merchandise with the designs in issue in this litigation.

All of the above Expedited Discovery is subject to objections by both parties.

We respectfully thank the Court for Your Honor's courtesies in this matter.

JONAS M. SEIDER

James Turken, Esq. cc: Brian Siff, Esq.

June 29, 2008

ETTA A. PRESKA

UNITED STATES DISTRICT JUDGE